

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA**

PAUL F. MITCHELL,
Plaintiff

v.

PATRICK QUINN #1652, et al.,
Defendants

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:
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CIVIL ACTION

NO. 17-3730

FILED

OCT 11 2017

KATE BARKMAN, Clerk
By _____ Dep. Clerk

ORDER

AND NOW, this 11th day of October, 2017, upon consideration of plaintiff's *pro se* amended complaint, it is ORDERED that:

1. The amended complaint (Docket Nos. 5–15) is DISMISSED for failure to state a claim, pursuant to Federal Rule of Civil Procedure 8(a) and 28 U.S.C. § 1915(e)(2)(B)(ii), in accordance with the Court's memorandum. The claims against the officers who arrested plaintiff, the Department of Corrections, the Honorable Carolyn H. Nichols, Lauren Brittany Katona, and Lissette Caseres are dismissed with prejudice. The claims against the prison employees and officials named in the complaint, as well as plaintiff's claims that he was wrongfully convicted, are dismissed without prejudice.

2. Plaintiff is given leave to file a second amended complaint within thirty (30) days of the date of this Order. If plaintiff chooses to file a second amended complaint, he shall identify all of the defendants in the caption of the second amended complaint and clearly state the basis for his claims against each defendant. Plaintiff's second amended complaint shall include all of the claims that he seeks to pursue in this action without relying on or referring to other pleadings or exhibits filed in this case. The second amended complaint shall not raise any claims that the Court has dismissed with prejudice and shall not raise claims based on plaintiff's

wrongful conviction. Upon the filing of a second amended complaint, the Clerk shall not make service until so ORDERED by the Court. If plaintiff fails to file a second amended complaint, his case may be dismissed for failure to prosecute without further notice.

3. The Clerk of Court shall provide plaintiff with a blank copy of the Court's current form complaint to be used by a prisoner filing a lawsuit under 42 U.S.C. § 1983 bearing the civil action number for this case. Plaintiff may use this form to file his second amended complaint.

BY THE COURT:



JOEL H. SLOMSKY, J.